

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/927,905
Attorney Docket No. Q65759

REMARKS

Reconsideration and allowance of this application are respectfully requested. New claims 14-33 have been added. Claims 1-33 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

Rejection Under 35 U.S.C. § 102 - Coleman et al.

Claims 1-13 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Coleman et al. (U.S. Patent Number 5,844,620; hereinafter “Coleman”). The rejection is respectfully traversed.

Regarding claim 1, Applicant’s invention relates to an information communication terminal which receives a plurality of services. The terminal comprises “a service attribute determination part for determining an attribute of each of the plurality of services; and a service selection part for selecting a service to be used from among [the] plurality of services,” as claimed. An exclusion is made of any service whose attribute indicates that the service is a non-subscribed pay service,” based on the service attribute determination. The processing of received services as such occur within a short period of time.

Turning to the cited art, Coleman teaches a method and apparatus for displaying an on-screen programming guide in which the currently viewed channel is still visible while a user browses the programming guide. The user is able to directly tune to programs and to obtain specific detailed program information. The user is also able to determine the attributes or programming available on different programming services (channels) while viewing a current channel. The programming guide is selected to be of a certain predetermined size and position

on the screen. The guide displays whether a program belongs to a specific class of programming such as movies, news, children's programming or comedy, along with other attributes defining information about the program (column 3, line 63 to column 4, line 4). Coleman performs sorting of schedule data for programming prior to transmission, the schedule data corresponding to specific time slots (column 4, lines 34-39). The display of the programming guide after reception of schedule data is controllable to display different attributes of the programming, enabling the user to switch between programming and programming service channels (column 5, lines 4-27).

However, Coleman does not disclose at least "a service selection part for selecting a service to be used from among the plurality of received services," wherein any service whose determined attribute indicates that the service is a non-subscribed pay service is excluded, as claimed. Coleman pre-formats the schedule data at the transmitter side, so operations such as sorting the data need only be performed once at the transmitter, and not at each of the millions of decoders that receive the data (column 8, lines 3-14). The sortable theme classes and subclasses located in class IDs of each title record (80) as shown in figure 3, are used to select schedule categories by a particular theme, such as sports, movies, comedy, or to identify a service as a pay-per-view or non-pay-per-view event. However, Coleman actually teaches away from Applicant's claimed invention in that any sorting of classifications occur only in the transmitter, and the receiver of Coleman does not perform any sorting to achieve a desired selection. The user may select a category of programming services desired to be displayed on Coleman's programming guide, whereby displaying only channels belonging to a specific class, such as

movies, news, children's programming, comedy, or favorite channels, however, such a request initiated by user command requires the transmitter to supply the programming services satisfying the requested category to be displayed by the receiver. The requested programming services matching the user criteria (either 'all programs' or a specific class) are sent from the transmitter as the requested presorted data. Thus, Coleman's user programming guide does not select a service from a plurality of services with determined attributes, but rather requests presorted data from the transmitter.

Additionally, there is no mention in Coleman of "exclud[ing] from candidates for selection, any service whose attribute indicates that the service is a non-subscribed pay service," as claimed. The classes of programming in Coleman include sports, movies, news, children's programming, comedy, and pay-per-view programming. Coleman also only displays this information to a user such that the user may view programming attributes. At least by virtue of the aforementioned differences, Applicant's claimed invention patentably distinguishes over Coleman. Applicant's claims 2-4 and 13 are dependent claims including all of the limitations of independent claim 1, which, as established above, distinguishes over Coleman. Therefore, Coleman does not anticipate claims 2-4 and 13 for at least the aforementioned reasons as well as for their additionally recited features.

With further regard to claim 2, a search part for performing search processing of retrieving a receivable service from the plurality of services is provided, wherein any service whose attribute indicates that the service is a non-subscribed pay service is excluded from candidates for search processing. Coleman does not disclose such a search part in the disclosed

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programming guide. Coleman's pay-per-view and non-pay-per-view are only identified by class ID, and no exclusion after searching occurs based on the pay-per-view attributes. At least by virtue of these additional differences, Applicant's claimed invention distinguishes over Coleman.

Regarding claim 5, Applicant's invention relates to an information communication terminal which receives a plurality of services. A service attribute determination part determines an attribute of each of the plurality of services. A service selection part selects a service to be used from the plurality of services, including only services whose attributes indicate that the service is a free service, based on the service attribute determination. The processing of received services occur within a short period of time.

Applicant's claimed invention is allowable over Coleman for the same reasons as discussed above. Additionally, there is no mention in Coleman of including as candidates for selection, "only [services] whose attributes indicate that the service is a free service," as claimed. The classes of programming in Coleman include sports, movies, news, children's programming, comedy, and pay-per-view programming. Coleman also only displays this information to a user such that the user may view programming attributes. At least by virtue of the aforementioned differences, Applicant's claimed invention distinguishes over Coleman. Applicant's claims 6-8 are dependent claims including all of the limitations of independent claim 5, which, as established above, distinguishes over Coleman. Therefore, Coleman does not anticipate claims 6-8 for at least the aforementioned reasons as well as for their additionally recited features.

With further regards to claim 6, Applicant recites a search part for performing search processing of retrieving a receivable service from the plurality of services, wherein only services

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whose attributes indicate that the service is a free service is included as a candidate for search processing. Coleman does not disclose such a search part in the disclosed programming guide. Coleman's pay-per-view and non-pay-per-view are only identified by class ID, and no candidate inclusion criteria after searching occurs based on the pay-per-view attributes. At least by virtue of these additional differences, Applicant's claimed invention distinguishes over Coleman.

Regarding claim 9, Applicant's invention relates to an information communication terminal which receives a plurality of services. A service attribute determination part determines an attribute of each of the plurality of services. A service selection part selects a service to be used from the plurality of services, including only services whose attributes indicate that the service is a subscribed pay service, based on the service attribute determination. The processing of received services occur within a short period of time.

Applicant's claimed invention is allowable over Coleman for the same reasons as discussed above. Additionally, there is no mention in Coleman of including as candidates for selection, "only [services] whose attributes indicate that the service is a subscribed pay service," as claimed. The classes of programming in Coleman include sports, movies, news, children's programming, comedy, and pay-per-view programming. Coleman also only displays this information to a user such that the user may view programming attributes. At least by virtue of the aforementioned differences, Applicant's claimed invention distinguishes over Coleman. Applicant's claims 10-12 are dependent claims including all of the limitations of independent claim 9, which, as established above, distinguishes over Coleman. Therefore, Coleman does not

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anticipate claims 10-12 for at least the aforementioned reasons as well as for their additionally recited features.

With further regards to claim 10, Applicant recites a search part for performing search processing of retrieving a receivable service from the plurality of services, wherein only services whose attributes indicate that the service is a subscribed pay service is included as a candidate for search processing. Coleman does not disclose such a search part in the disclosed programming guide. Coleman's pay-per-view and non-pay-per-view are only identified by class ID, and no candidate inclusion criteria after searching occurs based on the pay-per-view attributes. At least by virtue of these additional differences, Applicant's claimed invention distinguishes over Coleman.

Newly Added Claims

Claims 14-33 are newly added by this Amendment and are believed to be in condition for allowance..

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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Date: August 27, 2004